



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5697

by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.47 new

Amends the Illinois Public Aid Code. Provides that a dependent of a military service member, who is a legal resident of the State, having previously been determined to be eligible for developmental disability services provided by the Department of Healthcare and Family Services, including waiver services provided under the home and community based services programs authorized under Section 1915(c) of the Social Security Act, shall retain eligibility for those developmental disability services as long as he or she remains a legal resident of the State, regardless of having left the State due to the military service member's military assignment outside the State. Provides that if the State eligibility requirements change, the dependent shall retain eligibility until new information is provided by the dependent or military service member to the Department. Contains provisions concerning assessment determinations; eligibility determinations for dependent's who return to the State following a period of absence and who request services including waiver services provided under the home and community based services programs authorized under Section 1915(c) of the Social Security Act; federal waiver application; and rulemaking authority. Effective immediately.

LRB098 20246 KTG 55668 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 12-4.47 as follows:

6 (305 ILCS 5/12-4.47 new)

7 Sec. 12-4.47. Continued eligibility for developmental  
8 disability services for dependents of military service  
9 members.

10 (a) As used in this Section:

11 "Dependent" means a spouse, birth child, adopted child, or  
12 stepchild of a military service member.

13 "Legal resident" means a person who maintains Illinois as  
14 his or her principal establishment, home of record, or  
15 permanent home and to where, whenever absent due to military  
16 obligation, he or she intends to return.

17 "Military service" means service in the armed forces or  
18 armed forces reserves of the United States, or membership in  
19 the Illinois National Guard.

20 "Military service member" means a person who is currently  
21 in military service or who has separated from military service  
22 in the previous 18 months through either retirement or military  
23 separation.

1       (b) A dependent, who is a legal resident of the State,  
2 having previously been determined to be eligible for  
3 developmental disability services provided by the Department  
4 of Healthcare and Family Services, including waiver services  
5 provided under the home and community based services programs  
6 authorized under Section 1915(c) of the Social Security Act,  
7 shall retain eligibility for those developmental disability  
8 services as long as he or she remains a legal resident of the  
9 State, regardless of having left the State due to the military  
10 service member's military assignment outside the State. If the  
11 State eligibility requirements change, the dependent shall  
12 retain eligibility until new information is provided by the  
13 dependent or military service member to the Department.

14       (c) The Department shall direct that developmental  
15 disability services shall be provided to a dependent if the  
16 dependent is otherwise eligible for those services and  
17 furnishes the following:

18           (1) a copy of the military service member's DD-214 or  
19 other equivalent discharge paperwork; and

20           (2) proof of the military service member's legal  
21 residence in the State, as prescribed by the Department.

22       (d) For dependents who received developmental disability  
23 services and who left the State due to the military service  
24 member's military assignment outside the State, upon the  
25 dependent's return to the State and when a request for services  
26 is made, the Department shall:

1           (1) determine the dependent's eligibility for  
2           services, which may include a request for waiver services  
3           provided under the home and community based services  
4           programs authorized under Section 1915(c) of the Social  
5           Security Act;

6           (2) provide to the dependent notification of the  
7           determination of eligibility for services, which includes  
8           notification of a denial of services if applicable; and

9           (3) provide the dependent an opportunity to contest the  
10          Department's determination through the appeals processes  
11          established by the Department.

12          (e) As a condition of continued eligibility for services  
13          under subsection (b) of this Section, a dependent must inform  
14          the Department of his or her current address and provide  
15          updates as requested by the Department.

16          (f) The Department shall request a waiver from the  
17          appropriate federal agency if a waiver is necessary to  
18          implement the provisions of this Section.

19          (g) The Department may adopt rules necessary to implement  
20          the provisions of this Section.

21           Section 99. Effective date. This Act takes effect upon  
22           becoming law.